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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **WESTERN DIVISION**
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11 _____
12 HECTOR ARCIGA,

13 Petitioner,

14 v.

15 CHARLES W. CALLAHAN (Warden),

16 Respondent.
17 _____

No. LA CV 18-08308-VBF-KS

ORDER

Adopting Report & Recommendation:
Dismissing the Habeas Petition
With Prejudice as Untimely

Directing Entry of Final Judgment and
Terminating the Case (JS-6)

18 The Magistrate Judge issued a Report and Recommendation (“R&R”) on
19 March 26, 2019. *See* CM/ECF Document (“Doc”) 17. Petitioner has not objected
20 within the time allotted by Local Rule 72-3.4, and Fed. R. Civ. P. 72(b)(3) requires
21 de novo review only of those parts of an R&R to which a party has timely objected.
22 *See Khan v. Langford*, 2018 WL 1271204, *1 (C.D. Cal. Mar. 8, 2018) (citations
23 omitted). But Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that
24 when no timely objection is filed, the Court should review the R&R “for clear error
25 on the face of the record.” *Juarez*, 2016 WL 2908238 at *2 (cite omitted); *accord*
26 *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc);
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1 *Benitez v. Parmer*, 654 F. App'x 502, 503 (2d Cir. 2016) (citing, *inter alia*, Adv.
2 Comm. Notes to 1983 Am. of Fed. R. Civ. P. 72(b)).

3 The Court has reviewed the habeas petition (Doc 1); respondent's motion to
4 dismiss the petition and supporting documents (Docs 10-11); petitioner's opposition
5 brief (Doc 14); respondent's reply (Doc 15); and the applicable law. The Court finds
6 no defect of law, fact, or logic in the R&R. Accordingly, the Court will accept the
7 Magistrate Judge's findings and conclusions and implement her recommendation.

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9 ORDER

10 The Report and Recommendation [Doc # 17] is **ADOPTED**.

11 Respondent's motion to dismiss [Doc #10] is **GRANTED**.

12 The petition for a writ of habeas corpus [Doc # 1] is **DISMISSED with**
13 **prejudice as untimely.**


14 Final judgment will be entered consistent with this Order. As required by Fed.
15 R. Civ. P. 58(a), final judgment will be entered as a separate document.

16 The Court will also rule on a certificate of appealability by separate order.

17 **The case SHALL BE TERMINATED and closed (JS-6).**

18 **IT IS SO ORDERED.**

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21 Dated: May 8, 2019



22 Honorable Valerie Baker Fairbank
23 Senior United States District Judge
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